

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

Interview

Applicants' below-signed representative thanks Examiner Gilliam for the courtesy extended to him during the Interview conducted on October 18, 2006 in this case.

In light of the discussions held during the Interview, Applicants have amended their claims to recite that the support is plastic and that an underlayer is positioned below the hydrophilic layer.

Claims Status

Claims 1-20 are pending. Claims 1 and 11 have been amended herein to recite that the support is plastic and that an underlayer is positioned below the hydrophilic layer. Support for these two amendments can be found on page 7, line 21 and page 22, line 20, respectively. Claims 10 and 20 have been amended because of the amendments made to Claims 1 and 11.

No new matter has been entered.

Objection Under 35 USC 112

Claims 1-20 have been rejected under 35 USC, first paragraph, in that the Specification was deemed non-enabling for non-plastic flexible supports.

As noted above, Claims 1 and 11, the independent claims herein, have been amended to recite that the support is a plastic flexible support.

Prior Art Rejection

Claims 1-20 have been rejected as anticipated by or obvious over Inoue.

The Examiner recognizes that Inoue does not teach the transmission density limitation of the claims. The Examiner has taken the position that a plastic support, such as the type taught in Inoue, in combination with the preferred hydrophilic layer, will inherently exhibit a transmission density as recited in the claims, absent any evidence to the contrary.

Applicants submit that there is evidence in the file that proves that a plastic support with a hydrophilic layer, such as the type taught in Inoue, does not inherently result in a material that has a transmission density limitation as recited in Claims 1 and 11.

Specifically, the Examiner's attention is directed to a Declaration filed September 22, 2005 (September 2005 Declaration).

In the September 2005 Declaration, twelve samples were made, all of which had a plastic flexible support and all of which had a hydrophilic layer. Specifically, as can be seen in Table 6A, two different substrates, Substrate 1 and Substrate 2, were employed. Substrate 1 has a PET substrate as taught in

page 40 in the middle paragraph, while Substrate 2 has a blue tinted PET as taught on page 42 of the Application.

The various underlayers are disclosed in Table 2 on page 43 of the Application. Finally, the hydrophilic layer 1 is recited in Table 3 on page 44 of the Application.

As can be seen in Table 6, even though each one of the substrates was a plastic flexible film and each one of the materials made had a hydrophilic layer, they did not all have the transmission density as recited in the claims. It can be seen that each hydrophilic layer contained silica and a hydrophilic resin such as recited by Inoue.

Thus, it is respectfully submitted that data has been presented which teaches that the mere combination of a flexible plastic film and a hydrophilic layer, as generally taught in Inoue, does not result in a support which exhibits the transmission density as recited in the claims.

Thus, Applicants respectfully submit that they have presented concrete evidence which refutes the inherency argument put forward by the Examiner with respect to Inoue and transmission density.

It will be noted that Inoue teaches that an interlayer can be provided between the hydrophilic layer and the support, see paragraph 158, however, there is still no suggestion or teaching in Inoue that either the support, underlayer and hydrophilic layer has a transmission density of 0.5 to 1.2 or that the outermost surface of the unexposed area of the image forming layer exhibits a glossiness of 0.1 to 10.

As noted, the September 2005 Declaration evidences that these two limitations, transmission density and glossiness, are not inherent and that one must intentionally make the plate to arrive at these values.

Furthermore, it is submitted that there is no motivation or suggestion in Inoue to arrive at the claimed invention having the specific layers and the specific transmission density and glossiness.

Inoue teaches a wide array of supports, to include aluminum support and one of skill in the art is not directed to making the specific printing plate material recited in the claims.

Conclusion

In view of the foregoing, it is submitted that this Application is in condition for allowance and such action is respectfully requested.

Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account #02-2275.

Respectfully submitted,

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